



Bureau of Reclamation

Mid-Pacific Region  
Sacramento, California

**Finding Of No Significant Impact**  
**Supplemental Environmental Assessment**  
**for**  
**Pine Hill Land Acquisition**

Recommended:  Date: 11/13/09  
Environmental Specialist

Recommended:  Date: 11/13/09  
Program Manager, Central Valley  
Project Conservation Program

Recommended:  Date: 11/16/09  
Area Manager, Central California  
Area Office

Approved:  Date: 11/20/09  
Chief, Division of Environmental  
Affairs

FONSI No. 09-13-MP

## Background

The Bureau of Reclamation (Reclamation) proposes to provide a \$671,000 grant to the American River Conservancy (ARC) from the Central Valley Project Conservation Program (CVPCP) to help acquire 86 acres of gabbro soil habitat in the Kanaka Valley property that is within the Pine Hill Preserve (Preserve) and contains multiple federally listed endangered plant species in order to protect habitat for federally listed gabbro soil plant species in the Preserve. Once acquired, ARC will convey title of these lands to the Bureau of Land Management (BLM) to own and manage.

In addition via Interagency Agreement (R09PG20048), Reclamation proposes to provide an estimated \$5,050,000 to the BLM from the Folsom Dam Safety/Flood Damage Reduction (Folsom DS/FDR) project for the acquisition, protection, and management of approximately 609 acres of oak and riparian woodlands in the Kanaka Valley property that are within and adjacent to the Preserve, as mitigation for impacts on fish and wildlife resources associated with the Folsom DS/FDR project.

In total, 695 acres of the Kanaka Valley property will be purchased by Reclamation, via these two distinct programs and two separate funding actions, for BLM to own and manage.

Previously, Reclamation via the CVPCP provided \$265,000 to ARC in 2007 under Grant No. 07FG200057. The Finding of No Significant Impact for the original environmental assessment for this 2007 grant was signed on October 19, 2007.

The location of the project is in western El Dorado County 35 miles due east of the State Capitol in Sacramento. The Preserve covers a general north-south ellipse-shaped area between Cameron Park on Highway 50 and the South Fork American River as it flows into Folsom Lake in the Salmon Falls area. The Preserve, managed by the BLM, was established through partnering of government and private entities to protect native habitat supporting multiple federally-listed plant species, and is formed by five non-contiguous units that stretch over a 20,000-acre area of the gabbro soil formation.

The purpose of the CVPCP action is to provide grant funds to ARC to purchase 86 acres (valued at \$7,800/acre) of the largest Kanaka Valley parcel (APN 102-010-46) to protect federally listed endemic gabbro soil plant species. Two portions of the parcel that total 86 acres are located in the southwest corner of the 695-acre Kanaka Valley holdings, and are unassigned for Folsom DS/FDR mitigation purposes. These 86 acres contain at least two federally listed plant species including: El Dorado Bedstraw (*Galium californicum*), federally listed as endangered, and Layne's butterweed (*Packera layneae*), federally listed as threatened. These portions also contain federal candidate for listing species Bisbee Peak rush rose (*Helianthemum suffretescens*). El Dorado mule ears (*Wyethia reticulate*) and Red Hills soaproot (*Chlorogalum grandiflorum*), both federal candidate species for listing, have also been detected in this parcel but are not mapped. The entire 86 acres is within the red-line boundaries of the proposed Pine Hill Preserve (USFWS 2002). The purchase price would equal the federally approved, fair market value of \$670,800 ( $\$7,800 \times 86 \text{ acres} = \$670,800$ ).

The purpose of the Folsom DS/FDR action is to provide \$5,050,000 through an interagency agreement to the BLM for purchase of lands in the Upper American River Watershed and five years of management of that land which meets part of the mitigation requirements prescribed by



the USFWS for impacts on fish and wildlife resources associated with the Folsom DS/FDR project. Reclamation will provide funds to BLM for the fee title acquisition of parcels in conformance with the Sierra Resource Management Plan (Sierra RMP) which includes parcels in or immediately adjacent to the Pine Hill Preserve. The United States would hold title of the lands; BLM would have administrative jurisdiction to manage and preserve the new lands in perpetuity as part of the Pine Hill Preserve or other conservation area in the Sierra RMP. These lands would become real property assets on BLM's financial records. The purchase of approximately 609 acres of the Kanaka Valley property fulfills part of these mitigation requirements. Reclamation's Folsom DS/DFR action is only to provide the funding for acquisition and management; BLM is responsible for all on the ground activities and related environmental compliance. Any management actions pursued by BLM would be included in subsequent environmental documents by that agency.

### **Findings**

Reclamation prepared a supplemental environmental assessment (EA) on the proposed grant in September 2009 which is incorporated by reference. The Division of Environmental Affairs of the Mid-Pacific Region of Reclamation has found that the proposed action is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out the proposed action. The EA complies with the Council of Environmental Quality's National Environmental Policy Act (NEPA) Regulations, the Department of the Interior's NEPA Regulations, and other requirements such as the Endangered Species Act, the National Historic Preservation Act, and local and State requirements. It meets Reclamation's public involvement requirements.

Following are the reasons why the impacts of the proposed action are not significant:

1. Acquisition of the eight parcels of the Kanaka Valley will not change land use.
2. The current landowner(s) will receive fair market value for the property.
3. Acquisition would permanently protect the property and thus provide a long-term, perpetual benefit to the target species and habitat.
4. On June 29, 2009, Reclamation initiated informal consultation with the Fish and Wildlife Service (Service) on the activities for projects in the CVPCP and the Habitat Restoration Program for Fiscal Year 2009. The Service concurred on September 28, 2009 that the projects, including this proposed action, are not likely to adversely affect listed species.
5. The proposed action will not affect any historic properties. If ARC initiates a transfer of lands purchased with Reclamation funds to a non-Federal partner, Reclamation will review the proposed action and determine the appropriate means to comply with Section 106 of the National Historic Preservation Act.
6. The proposed action will not affect any Indian Trust Assets.
7. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities.

8. The proposed action will not have significant cumulative impacts. It will contribute to endangered species and habitat protection and habitat connectivity in the project area.

9. There is no potential for the effects to be considered highly controversial.

# RECLAMATION

*Managing Water in the West*

**Supplemental Environmental Assessment  
for**

## **Pine Hill Land Acquisition**



**U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region**

**November 2009**



## **Background**

The Bureau of Reclamation (Reclamation) proposes to provide a \$671,000 grant to the American River Conservancy (ARC) from the Central Valley Project Conservation Program (CVPCP) to help acquire 86 acres of gabbro soil habitat in the Kanaka Valley property that is within the Pine Hill Preserve (Preserve) and contains multiple federally listed endangered plant species in order to protect habitat for federally listed gabbro soil plant species in the Preserve. (See Figures 1 and 2). Once acquired, ARC will convey title of these lands to the Bureau of Land Management (BLM) to own and manage.

In addition via Interagency Agreement (R09PG20048), Reclamation proposes to provide an estimated \$5,050,000 to the BLM from the Folsom Dam Safety/Flood Damage Reduction (Folsom DS/FDR) project for the acquisition, protection, and management of approximately 609 acres of oak and riparian woodlands in the Kanaka Valley property that are within and adjacent to the Preserve, as mitigation for impacts on fish and wildlife resources associated with the Folsom DS/FDR project.

In total, 695 acres of the Kanaka Valley property will be purchased by Reclamation, via these two distinct programs and two separate funding actions, for BLM to own and manage.

Previously, Reclamation via the CVPCP provided \$265,000 to ARC in 2007 under Grant No. 07FG200057. The Finding of No Significant Impact for the original environmental assessment for this 2007 grant was signed on October 19, 2007.

The location of the project is in western El Dorado County 35 miles due east of the State Capitol in Sacramento. The Preserve covers a general north-south ellipse-shaped area between Cameron Park on Highway 50 and the South Fork American River as it flows into Folsom Lake in the Salmon Falls area. The Preserve, managed by the BLM, was established through partnering of government and private entities to protect native habitat supporting multiple federally-listed plant species, and is formed by five non-contiguous units that stretch over a 20,000-acre area of the gabbro soil formation.

## **Purpose and Need for Action**

### **CVPCP Action**

The purpose of the CVPCP action is to provide grant funds to ARC to purchase 86 acres (valued at \$7,800/acre) of the largest Kanaka Valley parcel (APN 102-010-46) to protect federally listed endemic gabbro soil plant species. Two portions of the parcel that total 86 acres are located in the southwest corner of the 695-acre Kanaka Valley holdings (see two polygons with gray hatchmarks on Figure 2), and are unassigned for Folsom DS/FDR mitigation purposes. These 86 acres contain at least two federally listed species including: El Dorado Bedstraw (*Galium californicum*), federally listed as endangered, and Layne's butterweed (*Packera layneae*), federally listed as threatened. These portions also contain federal candidate for listing species Bisbee Peak rush rose (*Helianthemum suffretescens*). El Dorado mule ears (*Wyethia reticulate*)



and Red Hills soaproot (*Chlorogalum grandiflorum*), both federal candidate species for listing, have also been detected in this parcel but are not mapped. The entire 86 acres is within the red-line boundaries of the proposed Pine Hill Preserve (USFWS 2002). The purchase price would equal the federally approved, fair market value of \$670,800 ( $\$7,800 \times 86 \text{ acres} = \$670,800$ ).

With the adoption of El Dorado County's general plan in 2005, development on gabbro soils habitat has continued at a significant rate. A majority of gabbro soils habitat may be developed with the payment of a one-time Rare Plant Mitigation Fee ranging from \$386-\$885 per single family dwelling unit and \$0.28 - \$0.59 per square foot for commercial and industrial development.

Recently, one multi-family residential project ("Congregate Care") was approved by El Dorado County on habitat within the "red-line" boundaries of the proposed Pine Hill Preserve. There is considerable concern on the part of Pine Hill Preserve partnership agencies that regulatory controls available to Federal, state and local agencies are insufficient to prevent further degradation and fragmentation of habitat supporting listed species.

To establish the nexus between CVP impacts and federally listed species, and therefore confer project eligibility for CVPCP funds, the project site is located within the Sacramento Metropolitan area and within the service area of the Central Valley Project (Folsom Lake) and the El Dorado Irrigation District (Sly Park Reservoir). Nearly all the remaining occurrences of the five federally-listed gabbro soil plant species are threatened by destruction of habitat through residential or commercial development. El Dorado County, which experienced a population growth of 64 percent between 1990 and 2005, is one of the most rapidly growing counties in California (California Department of Finance 1991, Jones and Stokes Associates 1992). The residential and commercial development, which has fragmented and impacted the five plant species in the El Dorado Hills, Cameron Park, Rescue, Shingle Springs and Salmon Falls communities, has been supplied with El Dorado Irrigation District (EID) water, under contract with Reclamation from the Central Valley Project (CVP) facility of Folsom Reservoir.

### **Folsom DS/FDR Action**

The purpose of the Folsom DS/FDR action is to provide \$5,050,000 through an interagency agreement to the BLM for purchase of lands in the Upper American River Watershed and five years of management of that land which meets part of the mitigation requirements prescribed by the U.S. Fish and Wildlife Service (USFWS) for impacts on fish and wildlife resources associated with the Folsom DS/FDR project. Reclamation will provide funds to BLM for the fee title acquisition of parcels in conformance with the Sierra Resource Management Plan (Sierra RMP) which includes parcels in or immediately adjacent to the Pine Hill Preserve. The United States would hold title of the lands; BLM would have administrative jurisdiction to manage and preserve the new lands in perpetuity as part of the Pine Hill Preserve or other conservation area in the Sierra RMP. These lands would become real property assets on BLM's financial records.

The purchase of approximately 609 acres of the Kanaka Valley property fulfills part of these mitigation requirements. Reclamation's Folsom DS/DFR action is only to provide the funding for acquisition and management; BLM is responsible for all on the ground activities and related



environmental compliance. Any management actions pursued by BLM would be included in subsequent environmental documents by that agency.

The Folsom DS/FDR Project has or will impact up to 51.3 acres of oak woodlands, 41.0 acres of riparian woodlands, 0.5 acres of chaparral habitat, 0.1 acres of open waters, 2.4 acres of freshwater marsh, 2.5 acres of forested wetlands, and 0.2 acres of seasonal wetland habitat. An additional 1.4 acres of oak woodlands, 1.7 acres of riparian woodland, 0.9 acres of seasonal wetlands, 0.2 acres of swale/drainage, 50.2 acres of open waters, 7.6 acres of forested wetlands, and 0.2 acres of chaparral habitat will also be impacted by the Folsom DS/FDR project. Reclamation has committed to mitigate for these impacts in the Record of Decision (ROD) for the Folsom DS/FDR Project. To mitigate for the above described impacts, Reclamation has agreed to abide by the mitigation prescribed by the Folsom DS/FDR Fish and Wildlife Coordination Act Report, associated Habitat Evaluation Procedures (HEP) Report, and subsequent HEP Supplement for the Kanaka Valley and Mississippi Bar Sites (Supplemental HEP), all prepared by the USFWS.

The Supplemental HEP provided a summary of in-kind compensation which could be provided at two sites identified by Reclamation for the mitigation of impacts from the Folsom DS/FDR Project. The Supplemental HEP quantified the oak woodland and riparian acres needed for in-kind compensation for impacts on fish and wildlife resources associated with the Folsom DS/FDR project.

Based on the analysis, USFWS recommended acquiring and preserving in perpetuity at Kanaka Valley up to 568.7 acres of lands with the following habitat types: blue oak woodland, valley oak woodland, blue oak foothill pine, riparian, and lastly montane hardwood.

The approximately 609 acres of Kanaka Valley proposed for acquisition contain seven California Wildlife Habitat Relationships (CWHR) habitat types as follows: Riparian (99.85 acres); Valley Oak Woodland (17.3 acres); Montane Hardwood (186.37 acres); Blue Oak Woodland (62.54 acres); Blue Oak Foothill Pine (5.59 acres); Blue Oak Savannah (70.8 acres); and Mixed Chaparral (166.8 acres) (Figure 2). The 609-acre Kanaka Valley purchase would provide 342.6 acres of blue oak woodland, valley oak woodland, blue oak foothill pine, and montane hardwood to the Folsom DS/FDR mitigation project as well as 99.85 acres of riparian habitat along Jill's and Crocker Creeks, both of which flow into Folsom Lake and support native fish populations. In addition, these parcels also contain 166.8 acres of chaparral which is potential habitat for several of the federally listed plant species.

Kanaka Valley is a low-elevation wet meadow system that naturally stores rain water and moderates the release of seasonal flood waters into Folsom Lake. The entire 695-acre Kanaka Valley purchase would protect known populations of federally listed plant species and provide a buffer and connectivity between the Salmon Falls and Martel Creek Units of the Pine Hill Preserve. The purchase will also prevent the subdivision and development of land immediately downwind from the Salmon Falls Unit of the Pine Hill Preserve, and assist with the management of rare plant species which are fire dependent. The Kanaka Valley property also provides a wildlife corridor and linkage between extensive public lands along the South Fork American River and protected lands within the Pine Hill Preserve.



## **Proposed Action and Alternatives**

### **No Action**

#### **CVPCP Action**

Reclamation would not contribute \$671,000 of CVPCP funds to help acquire the property in the Preserve. The ARC may have to obtain the \$671,000 from other private and public sources. If alternative funding cannot be secured, ARC may have to purchase a smaller property or one with less value for sensitive species using funds already committed from these other sources.

Depending on selling price, it is possible that no parcels would be available. The preferred property would not be acquired for conservation purposes and would be subject to possible sale in whole or in part for uses not compatible with federally listed plant species enhancement and recovery.

#### **Folsom DS/FDR Action**

Reclamation would not contribute an estimated \$5,050,000 of Folsom DS/FDR funds to BLM to help acquire the Kanaka Valley property. Other sources as described in the CVPCP Action may provide additional funding to ARC for purchase of the Kanaka Valley property.

### **Proposed Action**

Reclamation would provide an estimated \$671,000 from the CVPCP to the ARC and provide an estimated \$5,050,000 of Folsom DS/FDR funds to BLM to help purchase and protect 695 acres within and adjacent to the Pine Hill Preserve; \$671,000 is presently obligated from the CVPCP.

For the CVPCP action, the ARC proposes the fee title acquisition of two portions of the largest Kanaka Valley parcel (APN 102-010-46) that comprise 86 acres, contain multiple federally listed gabbro soil plant species, and are unassigned for mitigation purposes. These portions are being purchased from a willing seller at a fair-market value. Upon the availability of CVPCP grant funds, the ARC would: a) commission an appraisal (if one has not yet been completed); b) solicit the review and approval of that appraisal from Reclamation; c) negotiate a purchase and sale agreement with the willing seller; d) oversee escrow procedures; e) close escrow and, f) transfer title to the acquired subject property to the BLM for ownership and management as protected Pine Hill Preserve habitat.

For the Folsom DS/FDR action, Reclamation would provide funds through an interagency agreement to the BLM for purchase of lands in the Upper American River Watershed and five years of management of that land which meets part of the mitigation requirements prescribed by the USFWS. Reclamation would provide funds to BLM for the fee title acquisition of parcels in conformance with the Sierra RMP which includes parcels in or immediately adjacent to the Pine Hill Preserve. The United States would hold title of the lands; BLM would have administrative jurisdiction to manage and preserve the new lands in perpetuity as part of the Pine Hill Preserve or other conservation area in the Sierra RMP. These lands would become real property assets on BLM's financial records.



The purchase of approximately 609 acres of the Kanaka Valley property fulfills part of these mitigation requirements. Reclamation's Folsom DS/DFR action is only to provide the funding for acquisition and management; BLM is responsible for all on the ground activities and related environmental compliance. Any management actions pursued by BLM would be included in subsequent environmental documents by that agency.

## **Affected Environment and Environmental Consequences**

### **Biological Resources**

#### **Affected Environment**

The Preserve was established through partnering of government and private entities to protect native habitat supporting multiple federally listed plant species, and is formed by five non-contiguous units that stretch over a 20,000-acre area of the gabbro soil formation. These units are: Cameron Park (454 acres), Martel Creek (320 acres), Penny Lane (166 acres), Pine Hill (403 acres) and Salmon Falls (2,699 acres). Management of the preserve is carried out by BLM's Folsom Area Office.

The proposed land acquisition areas exhibit a diversity of plant cover types and species. There are five habitat types supported by the Kanaka Valley property, as identified by the CWHR classification system. Mixed chaparral (Gabbroic) covers approximately 70% of the subject property. This habitat hosts seven special status plant species and an extremely rare plant community tracked by the Natural Diversity Data Base. Additional habitats include Blue Oak Woodland (16%), Valley Oak Woodland (6%), Montane Riparian (2%) and Annual Grassland (6%). A total of 740 plant species have been recorded from the Pine Hill gabbro formation and adjoining serpentine and metamorphic soils. Consequently, ten percent (10%) of the native plant species known in California are represented (hosted) by this tiny fraction of the State.

Seven plant and seven wildlife species observed on the proposed subject property are considered Special Status species. Four of these plant taxa are federally listed: Stebbin's morning-glory (*Calystegia stebbinsii*), Pine Hill ceanothus (*Ceanothus roderickii*), and El Dorado bedstraw (*Galium californicum ssp. sierrae*) as endangered, and Layne's butterweed (*Senecio layneae*) as threatened. An additional three plant species present on the subject property are Federal candidates (Category 2) for listing: Red Hills soaproot (*Chlorogalum grandiflorum*), El Dorado mule-ears (*Wyethia reticulata*) and Bisbee Peak rush-rose (*Helianthemum suffretescens*).

The seven wildlife species of concern include birds in the orders Falconiformes or Strigiformes which are protected by California Fish and Game Code 3503.5 against any kind of take, possession, destruction of such birds, their nests or eggs. The subject property has nests of sharp-shinned hawks, Cooper's hawks, red-shouldered hawks, and red-tailed hawks, and is prime hunting habitat for these birds of prey. In the southwestern corner of the Kanaka Valley property at the confluence of Crocker and Sweetwater Creeks, there are confirmed sightings of the Yellow-breasted Chat (*Icteria virens*), a California Species of Special Concern. One reptile



species has been observed on several of the target Kanaka Valley parcels; the northwestern pond turtle (*Clemmys marmorata marmorata*), which is identified as a Category 2 candidate species. There is one Special Status invertebrate species, which may occur on several of the target parcels. The Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) is federally listed as a Threatened species. There are elderberry shrubs on several of the properties, which provide habitat for the beetle. No surveys have been conducted to date to establish whether the beetle actually occurs within the Pine Hill Preserve or Kanaka Valley.

The first extensive baseline surveys of listed species habitat were conducted and published by EIP Associates within "Preserve Sites and Preservation Strategies for Rare Plant Species in Western El Dorado County" (1991). Recently, Congress authorized additional funding to support new biological surveys currently being conducted by staff of the BLM and the USFWS. These surveys are ongoing and are likely to continue through 2009. These more recent biological surveys have had the added benefit of increased access on recently acquired land in areas where access to private lands was previously denied. As a result, newly updated biological surveys are proving useful in prioritizing future acquisitions. Property owners who are interested in selling their property to the ARC have also allowed BLM biologists to conduct plant surveys on parcels being considered for acquisition. The Kanaka Valley property (695 acres) has been surveyed, although not extensively. Preliminary surveys documented the presence of Stebbin's morning-glory, Layne's butterweed, Pine Hill ceanothus, Red Hills soaproot, Bisbee Peak rush-rose and El Dorado mule-ears.

The Kanaka Valley property (695 acres) is a high priority acquisition because it would provide habitat connectivity between the two Preserve units, and it supports multiple endangered plant species. The acquisition of the Kanaka Valley property is also strategic in that it would hinder the ability of surrounding large-acreage landowners to develop roads and other infrastructure that would precede development and degrade habitat. The owners of Kanaka Valley are developers of residential property, and have submitted development plans to El Dorado County, which places this property at risk for residential development and subsequent loss of rare plant habitat.

### **Environmental Consequences**

**No Action:** If the ARC found replacement funds for the CVPCP and/or Folsom DS/FDR funds, the impacts would be the same as the proposed action.

If replacement funds were not found, and a property of smaller size or quality were purchased, the impacts would be similar to the proposed action, but overall protection for the habitat and species would be less.

If ARC could not purchase the Kanaka Valley property due to the lack of CVPCP and/or Folsom DS/FDR funds, the property could be developed, eliminating any future protection. With the adoption of the County's general plan in 2005, development on gabbro soils habitat has continued at a significant rate. A majority of gabbro soils habitat may be developed with the payment of a one-time Rare Plant Mitigation Fee ranging from \$386-\$885 per single family dwelling unit and \$0.28 - \$0.59 per square foot for commercial and industrial development. Recently, one multi-family residential project ("Congregate Care") was approved by El Dorado



County on habitat within the "red-line" boundaries of the proposed Pine Hill Preserve. There is considerable concern on the part of Pine Hill Preserve partnership agencies that regulatory controls available to federal, state and local agencies are insufficient to prevent further degradation and fragmentation of habitat supporting listed species.

**Proposed Action:** The acquisition of the proposed property would: a) protect this critical, endangered species habitat from the persistent threat of development; this includes habitat for at least two federally listed plant species; b) assist in permanently removing the threat of a developed road bisecting preserve units; c) prevent the subdivision and development of land immediately downwind from the Salmon Falls Unit of the Pine Hill Preserve, thereby assist in removing the liability and risk of fire within a high-end residential community that would be downwind of fire-management activities within the preserve, and assist with the management of rare plant species which are fire-dependent; d) create a buffer of protected lands with significant riparian, blue and valley oak habitat; and, e) significantly increase the total acreage of protected lands within the Preserve and increase the feasibility of reaching the 5,000 acre target for protected habitat within the Pine Hill Preserve system.

Acquisition of the property would not change land use. The current landowner(s) would receive fair market value for the property.

**Long-term Benefit.** The acquisition of up to 695 acres that would be acquired directly with grant and Folsom DS/FDR funds represents up to 40% of the remaining listed species habitat necessary to complete the 5,000 acre preserve. The acquisition is likely to be very significant in its permanent protection of the small amount of critical habitat remaining (particularly in the case of El Dorado bedstraw). The acquisition may also prevent additional road construction and would increase the ability of partnership agencies to manage for fire within this fire-dependent ecosystem.

**Project Site Connectivity.** The acquisition of the Kanaka Valley property would increase the connectivity of existing protected lands within the Salmon Falls and Martel Creek units of the Pine Hill Preserve. The acquisition of project lands would also increase the buffer area around listed species habitat and reduce the impacts to plant habitat from edge effects or the impacts of adjoining land that moves from undeveloped to developed land status.

## **Cultural Resources**

### **Affected Environment**

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.



The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking would have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking would have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

Archaeological sites and historic built environment features are known to exist within the proposed project acquisition area. Many of these cultural resources may be eligible for inclusion in the National Register of Historic Places.

### **Environmental Consequences**

**No Action:** Under the no action alternative, Reclamation would not provide funds to assist in the purchase of lands by the ARC or BLM. Because Reclamation would not provide funds, there would be no undertaking as defined by Section 301(7) of the NHPA. If no undertaking is initiated then Section 106 is not initiated. Effects to cultural resources would remain the same.

**Proposed Action:** Implementation of the Proposed Action would result in Reclamation providing up to \$671,000.00 from the CVPCP to ARC, and \$5,050,000 from the Folsom DS/FDR project to BLM, to purchase the Kanaka Valley property. As described in the Proposed Action section of this EA, the lands purchased by ARC would be turned over to the BLM. The BLM and other federal agencies are required to comply with the stipulations of Section 106 of the NHPA. All future undertakings on those federally owned lands would be subject to the Section 106 process. Because the authority of Section 106 transcends federal agencies, Reclamation funds used to assist in the purchase of private lands that are then turned over to another federal agency, such as the BLM, constitutes an administrative action and has no potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1). If Reclamation's CVPCP funds are used to purchase the property and ARC transfers the property to a non-federal partner, Reclamation would have to evaluate those effects in terms in an effort to comply with Section 106 of the NHPA. Non-federal partners are not subject to Section 106 and have no responsibility to comply with the process without a federal nexus. Regardless of the land transfer scenario, there would be no adverse effects to historic properties resulting in no impacts to cultural resources.

### **Indian Trust Assets**

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The proposed action would not affect



Indian Trust Assets. The nearest ITA to the proposed site is Shingle Springs Rancheria approximately 4 miles northeast of the project location.

## **Environmental Justice**

Executive Order 12898 requires each Federal Agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. Since there would be no change in existing or similar land uses, there would be no adverse human health or environmental effects to minority or low-income populations.

## **Consultation and Coordination with Others**

During development of the proposed action, Reclamation and the USFWS met with the ARC to conduct a site visit of the Pine Hill Preserve, and properties proposed for acquisition.

In addition, the CVPCP Technical Team reviewed and ranked the FY2007 and FY2009 land acquisition proposals submitted by ARC during the CVPCP proposal review periods in 2008 and 2009. Both proposals were selected for funding following the evaluation of the projects.

On June 29, 2009, Reclamation initiated informal consultation with the USFWS on the activities for projects in the CVPCP and the Habitat Restoration Program for FY2009. The USFWS concurred on September 28, 2009 that the projects, including this proposed action, are not likely to adversely affect listed species. The USFWS was previously consulted on the earlier Pine Hill acquisition action under the activities for projects in the CVPCP and the Habitat Restoration Program for FY2007.

## **References**

California Department of Finance. 1991.

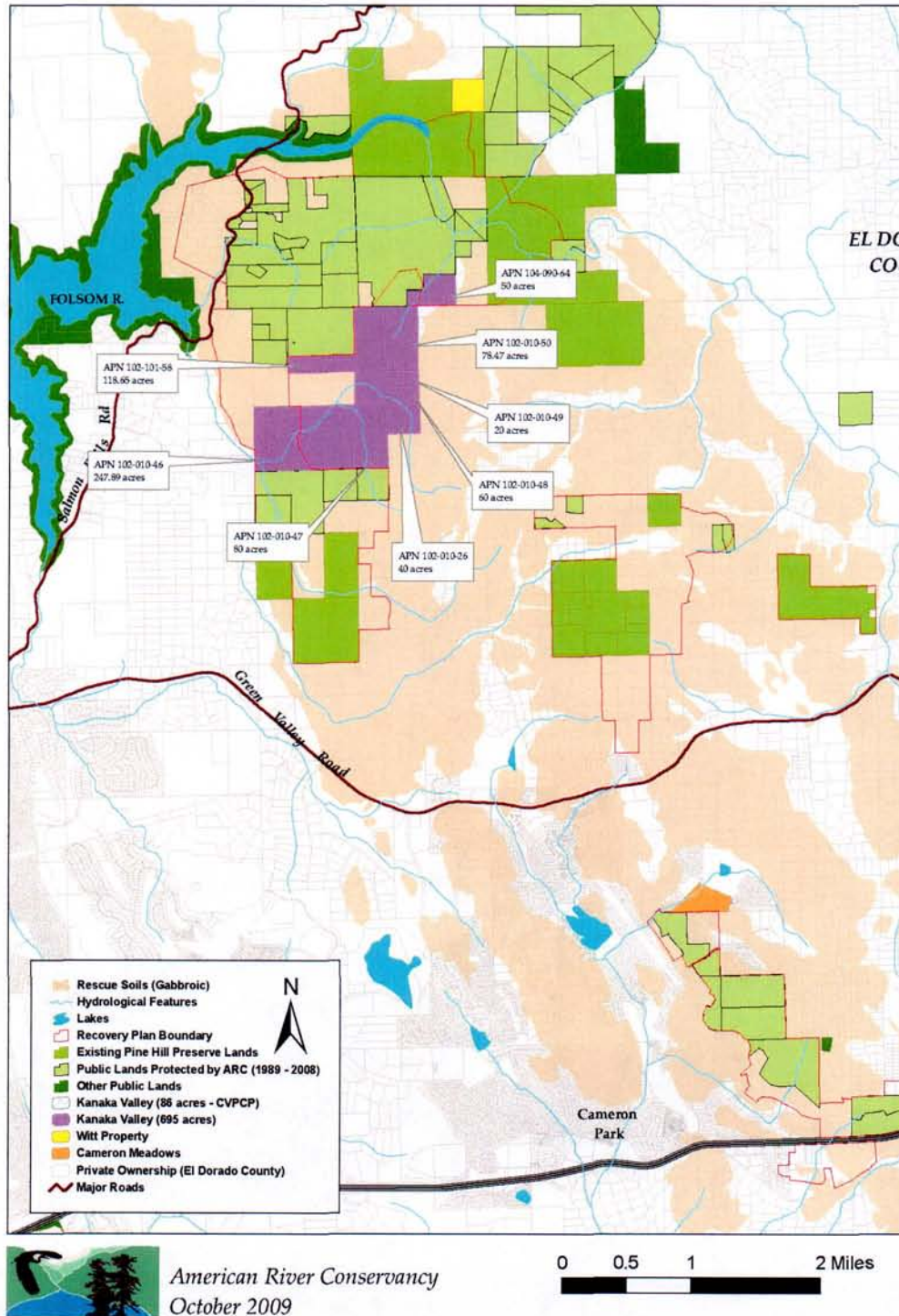
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**Figure 1**  
**Kanaka Valley Parcel Locations**



**Figure 2**  
**Federally-Listed Plant Species and**  
**CWHR Habitat Type Distributions, Kanaka Valley**

